

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**SPECIAL CIVIL APPLICATION No. 3686 of 1988****For Approval and Signature:****HON'BLE MR JUSTICE KS JHAVERI**

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- 1 Whether Reporters of Local Papers may be allowed to see the judgment ?
 - 2 To be referred to the Reporter or not ?
 - 3 Whether their Lordships wish to see the fair copy of the judgment ?
 - 4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?
 - 5 Whether it is to be circulated to the civil judge ?

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GUJARAT STATE ROAD TRANSPORT CORPORATION - Petitioner(s)
Versus
S T WORKERS UNION & 1 - Respondent(s)

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Appearance :

MR HARDIK C RAWAL for Petitioner No(s).: 1.
RULE SERVED for Respondent No(s).: 1.
RULE NOT RECD BACK for Respondent No(s).: 2.

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CORAM : HON'BLE MR JUSTICE KS JHAVERI
Date : 02/08/2005

ORAL JUDGMENT

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1. This petition is directed against the judgment and award dated 28th April, 1987 passed by the Industrial Tribunal, Rajkot in Reference [I.T.] No.384/84, whereby the Industrial Tribunal while exercising powers under

Section 11A of the Industrial Disputes Act, 1947 reduced the penalty imposed by the petitioner Corporation in to a penalty of stoppage of a increment for six months without permanent effect.

2. The short facts of the case are that respondent no. 2 was working as a Conductor with the petitioner Corporation. On 20th March, 1981, while the respondent was on duty, the bus was checked by the Traffic Inspector and during the checking the Traffic Inspector found certain irregularities in the issuance of tickets. Therefore, charge sheet was issued and departmental inquiry was initiated against respondent no. 2. Since the charges levelled against respondent no. 2 were proved, the petitioner Corporation vide order dated 1st July, 1984 imposed a penalty of stoppage of increment for six months with permanent effect.

2.1. Feeling aggrieved by the said order, the Union on behalf of respondent raised an industrial dispute which was ultimately referred to the Industrial Tribunal, Rajkot for adjudication. The Industrial Tribunal after considering the case on merits, passed the impugned award. Hence, this petition.

3. I have heard the learned counsel for the parties and have perused the materials produced on record. The Labour Court while exercising powers under Section 11(A) of the Industrial Disputes Act, 1947 has substituted the penalty of stoppage of increment for six months with permanent effect into a penalty of stoppage of a increment without permanent effect. Thus, I am in complete agreement with the reasonings adopted and findings arrived at by the Industrial Tribunal and find no reason to interfere in this petition.

4. In the result, the petition is dismissed. The impugned award passed by the Industrial Tribunal is confirmed. Rule is discharged with no order as to costs. Interim relief if any, stands vacated.

[K.S. JHAVERI, J.]

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